

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TEK TRAVELS, PVT. LTD, d/b/a TBO HOLIDAYS and TEK TRAVELS

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Saleem Mawji, Esquire

515 W. Hamilton Street, Suite 502, Allentown, PA 18101

610-391-1800/smawji@nmmlaw.com

DEFENDANTS

JOHN DOE

County of Residence of First Listed Defendant **unknown**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Tort Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. Sec. 1030

Brief description of cause:
Computer Fraud

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/31/2018

SIGNATURE OF CLERK OF COURT

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Country of India

Address of Defendant: Pennsylvania

Place of Accident, Incident or Transaction: Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELEA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) 18 U.S.C. Section 1030

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Saleem Mawji, Esq., counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: 5.31.2018

Attorney-at-Law

200125

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5.31.2018

Attorney-at-Law

200125

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

TEK TRAVELS, PVT. LTD., d/b/a TBO HOLIDAYS and
TEK TRAVELS DMCC

v.

JOHN DOE

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

5/29/18
Date

610-391-1800

Telephone


Attorney-at-law

610-391-1805

FAX Number

Plaintiff

Attorney for

smawji@nmmlaw.com

E-Mail Address

(Civ. 660) 10/02

610-391-1800

XXXXXX

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TEK TRAVELS, PVT. LTD, d/b/a	:	
TBO HOLIDAYS and TEK TRAVELS	:	
DMCC	:	
	:	NO.:
v.	:	
	:	JURY TRIAL DEMANDED
JOHN DOE	:	
	:	

COMPLAINT

Plaintiffs, ("Tek Travels, Pvt. Ltd. d/b/a TBO Holidays and Tek Travels DMCC.")
complains against Defendant, John Doe ("Defendant") as follows:

1. This is an action regarding the unlawful and extremely damaging conduct known as "phishing" and, upon information and belief, the unlawful access of or attempted access of a computer.

PARTIES

2. Plaintiff Tek Travels, Pvt. Ltd d/b/a TBO Holidays is a company organized under the laws of India.

3. Plaintiff Tek Travels, Pvt. Ltd d/b/a TBO Holidays is the parent company of Plaintiff Tek Travels DMCC.

4. Plaintiff Tek Travels DMCC is a company organized under the laws of Dubai, United Arab Emirates.

5. Plaintiffs are a leading business to business travel provider, winning several international awards.

6. The Defendant is only currently known via an email address of

anshu.tboholidays@technologist.com.

7. Upon information and belief, Defendant uses an email account hosted by email provider Mail.com.

8. Mail.com is located in Chesterbrook, Chester County, Pennsylvania and, upon information and belief, is a fictitious name for 1&1 Mail & Media, Inc.

9. Through its research, Plaintiffs believe that Defendant may also be located in Pennsylvania.

10. Defendant's conduct complained of herein constitutes violation of the Computer Fraud and Abuse Act, 18 U.S.C., et eq.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question).

12. The Court has personal jurisdiction over Defendant, and venue is proper, as it is believed that Defendant may reside within this District.

STATEMENT OF FACTS

13. Plaintiffs are an internationally recognized business to business travel provider.

14. Plaintiffs enjoy an outstanding, industry-leading reputation for excellence and trustworthiness and have won numerous awards.

15. The security of customer information is critical to Plaintiffs' operations and reputation.

16. Upon information and belief, Plaintiffs have never authorized Defendant to collect information on its behalf from Plaintiffs' customers or accounts or to access Plaintiffs' computer systems/network for any purpose.

17. Upon information and belief, however, Defendant may have accessed Plaintiffs' computer systems/network to acquire customer information, including email addresses.

18. Upon information and belief, Defendant, posing as an employee of Plaintiffs, has used the information obtained to send multiple emails to Plaintiffs' customers.

19. The aforementioned emails received by Plaintiffs' customers request User ID and Password information.

20. The emails, sent on or about March 30, 2018, purport to be from Plaintiffs' product support team.

22. Further investigation has revealed that the electronic mail address, anshu.tboholidays@technologist.com, used to send the misleading and false emails is operated by Mail.com.

23. Defendant's conduct constitutes unlawful "phishing" and computer access.

VIOLATIONS OF THE COMPUTER FRAUD AND ABUSE ACT (18 U.S.C. §§ 1030(a)(2)(C), 1030(a)(4), and 1030(b))

24. Paragraphs 1 through 23 of this Complaint are incorporated herein by this reference.

25. The Computer Fraud and Abuse Act, 18 U.S.C. § 1030, et seq. permits any person who suffers damage or loss by reason of the criminal activity prohibited by its terms to bring a civil action for damages and injunctive relief.

26. Upon information and belief, Defendant intentionally and without access authorized or attempted to access a computer belonging to Plaintiffs, and thereby obtained, and/or intends to obtain information therefrom. Accordingly, on information and belief, Defendant has violated or attempted to violated 18 U.S.C. §§ 1030(a)(2)(C).

27. Upon information and belief, Defendant knowingly and with the intent to defraud accessed or attempted to access the same computer and obtained things of value.

28. Upon information and belief, Defendant the object of Defendant's fraud, and the things obtained, in a one-year period have a value of more than \$5,000.00.

29. Upon information and belief, Defendant has by his conduct caused loss aggregating at least \$5,000.00 in value to or more persons during a one-year period, including the cost of investigation, security remediation, and legal fees and costs.

30. By reason of the acts alleged herein, Plaintiffs have been damaged in an amount to be determined at trial, and because its remedy at law is inadequate, is entitled to temporary and permanent injunctive relief to protect its and its account holder's confidential information, its goodwill, and other legitimate business interests.

WHEREFORE, Plaintiffs pray for relief as follows:

A. Pursuant to 18 U.S.C. § 1030, et seq., that Defendant and each of his agents, servants, attorneys, assigns, and all others acting in privity or acting in concert with Defendant be temporarily or permanently enjoined from:

1. Collecting, attempting to collect, or conspiring to collect any information of data from or about Plaintiffs' customers that Defendant is not authorized to collect:

- (i) Accessing or attempting to access, or conspiring to access Plaintiffs' networks, data, information, computers, and/or computer systems;
- (ii) Disseminating or disclosing publicly or to any third party, or otherwise using, any information obtained from or about Plaintiffs' customers, or conspiring to do the same; and
- (iii) Altering, deleting, disseminating, or destroying any evidence, in any form, relating to Defendant's past actions or efforts relating to the conduct described in subsection (i) – (iii) above

B. Pursuant to 18 U.S.C., et seq., that Defendant be required to compensate Plaintiffs for any natural and foreseeable damage or loss it has suffered as a result of his unlawful course of conduct.

C. That Plaintiffs be awarded punitive damages in an amount sufficient to deter Defendant from engaging in unlawful conduct.

D. That Plaintiffs be granted such other, further, different or additional relief as this Court deems equitable and proper.

NORRIS, McLAUGHLIN & MARCUS, PA

BY: _____



Saleem Mawji, Esquire

ID#: 200125

515 W. Hamilton Street

Suite 502

Allentown, PA 18101

Telephone: 610-391-1800

Facsimile: 610-391-1805

smawji@nmmlaw.com

Counsel for Plaintiffs

Date: _____

